

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, *et al.*,

Plaintiffs,

v.

VARSIY BRANDS, LLC, *et al.*,

Defendants.

Civ. Action No. 2:20-cv-02600-tmp

CORRECTED MOTION TO WITHDRAW AS COUNSEL

Comes now, Victoria Sims, attorney for Plaintiffs in the above-styled case, hereby respectfully moves this honorable Court to withdraw Jonathan W. Cuneo as counsel for Plaintiffs and remove him from the CM/ECF electronic service list. Plaintiffs will continue to be represented by Victoria Sims of Cuneo, Gilbert, & LaDuca, LLP. As set forth below, there is good cause for this Motion.

1. Jonathan W. Cuneo has passed away.
2. Victoria Sims is not aware that any Plaintiff has objected to Victoria Sims continuing the representation in this matter without Jonathan W. Cuneo.
3. This withdrawal will not affect any trial date or any substantive deadline now pending in this case.
4. Victoria Sims has consulted with the other counsel for Plaintiffs in this matter and they have stated no objection to this Motion.

Accordingly, Victoria Sims respectfully requests to withdraw Jonathan W. Cuneo as counsel for Plaintiffs and the proposed classes in this case, and requests that Mr. Cuneo be

removed as counsel of record for Plaintiffs and relieved of any further duty associated with being counsel of record in this case.

Dated: August 30, 2023

Respectfully submitted,

/s/ Victoria Sims

Victoria Sims*

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Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF CONSULTATION

I hereby certify that on August 29, 2023, I consulted with the following counsel via email regarding the requested relief:

Steven J. Kaiser for the Varsity Defendants.

Nicole Berkowitz Riccio for Defendant U.S. All Star Federation.

Both parties consent to the relief sought.

/s/ Victoria Sims

Victoria Sims

CERTIFICATE OF SERVICE

I, Victoria Sims, hereby certify that on August 30, 2023, I served the foregoing on all counsel of record by electronically filing this document with the Clerk of Court using the CM/ECF system.

/s/ Victoria Sims

Victoria Sims